

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

ANN CASALETTO,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

Case No.: C 02-4600 PVT

**PRETRIAL CONFERENCE ORDER**

On June 28, 2005, the parties appeared before Magistrate Judge Patricia V. Trumbull for a pretrial conference. Based on the discussions at the conference and the file herein,

IT IS HEREBY ORDERED that the trial will commence at 9:30 a.m. on Friday, September 9, 2005. Testimony from Defendant's expert may be taken out of order to accommodate his schedule.

IT IS FURTHER ORDERED that Defendant's objections to Plaintiff's identification of Officer Dave Macheel as a witness is OVERRULED. Under Rule 26(e) of the Federal Rules of Civil Procedure, a party need only supplement initial disclosures if information has not otherwise been made known to the opposing party during discovery or in writing. Defendant concedes in its objection that it was aware of Officer Macheel's existence. And given Officer Macheel's role as the investigating officer, the fact he would have relevant knowledge is obvious. Defendant

1 may have relief from the discovery cutoff in order to depose Officer Macheel.

2 IT IS FURTHER ORDERED that Defendant's objections to Plaintiff's identification of  
3 Fred Maisano and Laura Kopeck is GRANTED. Plaintiff has not shown that the fact these  
4 individuals have discoverable knowledge was made known to Defendant during discovery or in  
5 writing.

6 IT IS FURTHER ORDERED that, based on the stipulation of the parties during the  
7 conference, the parties may both offer into evidence at trial their respective experts' reports.

8 IT IS FURTHER ORDERED that the parties shall participate in a settlement conference  
9 with Magistrate Judge Howard R. Lloyd (or, if Judge Lloyd is unavailable, Magistrate Judge  
10 Richard Seeborg). The parties shall promptly contact Judge Lloyd's chambers to schedule the  
11 settlement conference.

12 Dated: 6/28/05

13 /s/ Patricia V. Trumbull  
14 PATRICIA V. TRUMBULL  
15 United States Magistrate Judge  
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